

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: Ronald L. Pfenninger) Case Number: 14-14719
Dena L. Pfenninger) Chapter 13 Proceedings
Debtors) Judge Arthur I. Harris

**DEBTORS' MOTION TO MODIFY THEIR AMENDED CONFIRMED PLAN (COURT
DOCUMENT 49)**

Now come DEBTORS, and hereby move this Honorable Court to modify their amended confirmed Chapter 13 Plan ("plan") pursuant to Section 1329 of the Bankruptcy Code. In support of this motion, the debtors make the following representations to the Court:

1. The Debtors filed a petition under Chapter 13 of Title 11, U.S.C. on July 23, 2014. The Debtors' plan was confirmed on November 5, 2014. The Plan calls for a payment to the Trustee in the amount of \$1,490.44 per month, with the unsecured creditors receiving \$39.87 or a 0% dividend, whichever is greater.

2. The Chapter 13 Trustee obtained an amendment of the confirmed plan (court documents 43 and 49) which reduced the term of the plan to sixty (60) months with an increased monthly plan payment of \$1,625.00 per month.

3. Debtor husband suffered a severe stroke which has rendered him permanently disabled. He now receives \$1,628.00 net of federal tax monthly. Debtor-wife received a promotion and her pay is now \$2,115.38 biweekly. The entire plan payment is now being deducted from her wages.

4. The present amended plan was calculated to run 60 months. Due to the Debtors' loss of income due to illness they have fallen behind on plan payments and at current funding level the case will take 68 months to complete.

5. Section 1329(a)(2) of the Bankruptcy Code provides that the plan may be modified at any time after confirmation (but before completion of payments under the plan) to extend or reduce the time for plan payments. Section 1325(a) of the code requires that such a modification be offered in "good faith". Based on the information provided herein, it would be appropriate to

modify the Debtors' plan to keep the plan payment at \$1,625.00 per month, and to absorb the arrearage in plan payments into the plan, and to extend the plan to 68 months.

WHEREFORE, Debtors hereby move this Honorable Court to Modify Debtors' Plan in accordance with the recommendations listed in this motion and for the reasons cited.

Respectfully submitted,

BALENA LAW FIRM, LLC

/s/ William J. Balena
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CERTIFICATE OF SERVICE

I certify that on November 3, 2017 a true and correct copy of this Motion to Modify Plan was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Lauren Helbling, Chapter 13 Trustee, VIA ECF at ch13trustee@ch13cleve.com.

William J Balena, on behalf of Dena L. & Ronald L. Pfenninger,
Debtors at Docket@Ohbksource.Com

Edward H. Cahill on behalf of Creditor Bank of America, N.A.
amps@manleydeas.com

Jonathan D. Clark on behalf of Creditor City of Oberlin
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Stephen R. Franks on behalf of Creditor Bank of America, N.A.
amps@manleydeas.com

Timothy M. Sullivan on behalf of Creditor STATE OF OHIO
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Via regular mail by third party authorized notice provider Bk Attorney Services LLC:

Dena L. & Ronald L. Pfenninger, Debtors, at 173 Grafton Street, Oberlin, OH 44074

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Bank Of America Na , % Wells Fargo BkPymt Processing, One Home Campus
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Ecmc, Lockbox 8682 , P.O. Box 16478, St Paul MN 55116-0478

Educational Credit Management Corp, P.O. Box 16408, St Paul MN 55116-0408

Educational Credit Mgmt Corporation, Lockbox #8682, P.O. Box 16478, St Paul
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Equity Trust Company, Custodian Fbo Account Z142820 Ira, P.O. Box 16354,
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Midnight Velvet, % Creditors Bankruptcy Service, P.O. Box 740933, Dallas TX
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Oberlin Municipal Court, 85 S Main St, Oberlin OH 44074

Ohio Department Of Taxation, Rebecca Daum Bankruptcy Division, P.O. Box
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Ohio Permanente Medical Grp, % Kevin B Wilson Law Ofc, 2810 Walker Road
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Sprint Corp, Attn Bankruptcy Dept, P.O. Box 7949, Overland Park KS 66207-

0949 Sprint Corp, Attn Bankruptcy Dept, P.O. Box 3326, Englewood CO 80155-
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United States Dept Of Education, Claims Filing Unit, P.O. Box 8973, Madison WI
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United States Dept Of Education, P.O. Box 530229, Atlanta GA 30353-0229

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